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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jerome G Overstreet,  
10 Plaintiff,

11 v.

12 Living Spaces Furniture LLC,  
13 Defendant.  
14

No. CV-23-00248-PHX-ROS

**ORDER**

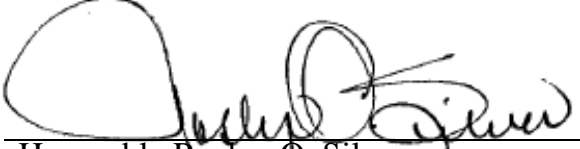
15 On May 12, 2023, Defendant filed a motion to dismiss for failure to state a claim.  
16 (Doc. 12). Plaintiff's opposition was due no later than May 26, 2023. No opposition was  
17 filed. Pursuant to Local Rule 7.2(i), Plaintiff's failure to file an opposition will "be deemed  
18 a consent to the . . . granting of the motion." Based on Defendant's motion, Plaintiff's  
19 claims are untimely by many years. Therefore, leave to amend would be futile.

20 Accordingly,

21 **IT IS ORDERED** the Motion to Dismiss (Doc. 12) is **GRANTED**.

22 **IT IS FURTHER ORDERED** the Clerk of Court shall enter a judgment of  
23 dismissal with prejudice and close this case.

24 Dated this 5th day of June, 2023.

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26   
27 Honorable Roslyn O. Silver  
28 Senior United States District Judge